

### **REMARKS**

Favorable consideration of this application is respectfully requested in view of the above amendment and following remarks.

Claims 28-46 and 48-63 are pending in the application. Claims 40, 43, 50-54, and 58-62 have been withdrawn. Claims 28-39, 41, 42, 44-46, 48, 49, 55-57 and 63 have been rejected. Claims 28 and 57-62 have been amended. No new matter has been added.

Claims 28, 30, 31, 36, 41, 42, 44-46, 49 and 55 have been rejected under 35 U.S.C. §102(b) as being unpatentable by Carpino et al., (J. Org. Chem. 1999, 64, 4324-4338, referred herein as Carpino et al.) as allegedly evidenced by Solomons et al., (Organic Chemistry Fifth Edition. New York: John Wiley & Sons, 1992, page 94, Table 3.1) and Lide (CRC Handbook of Chemistry and Physics, ed. DA Lide, 85<sup>th</sup> Edn., CRC Press, Cleveland OH, 2004-2005, web page 1.).

In response, to facilitate prosecution while not necessarily agreeing with the grounds for the rejections, claim 28 has been amended to include the feature of claim 56, i.e., "wherein the anion is selected from the group consisting of carboxylate, sulfonate, sulfate, phosphonate, phosphate and phenolate." Accordingly, claim 56 has been cancelled and claims 57-62 have been amended to change the dependency from claim 56 to claim 28.

In view of the above, withdrawal of the rejection of claims 28, 30, 31, 36, 41, 42, 44-46, 49 and 55 is respectfully requested.

Claims 28-31, 36, 41, 42, 44-46, 48, 49 and 55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Carpino et al., WO 00/71569 (Tolle et al.) and Houghten et al., Nature 1991, 354, 84-86 (Houghten et al.).

In response, to facilitate prosecution while not necessarily agreeing with the grounds for this rejection, claim 28 has been amended as discussed above.

In view of the above, withdrawal of the rejection of claims 28-31, 36, 41, 42, 44-46, 48, 49 and 55 under 35 U.S.C. §103(a) is respectfully requested.

Claims 28-39, 41, 42, 44-46, 48, 49, 55-57 and 63 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28-51 of copending Application No. 10/692,354 (the '354 application).

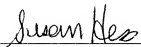
In response, Applicants note that the '354 application has been expressly abandoned (see attachment).

In view of the above, withdrawal of the rejection of claims 28-39, 41, 42, 44-46, 48, 49, 55-57 and 63 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28-51 of the '354 application is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, he is requested to call the undersigned at the number listed below.

Dated: December 4, 2007

Respectfully submitted,

By   
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Attachment

**ATTACHMENT**

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	2546923
<b>Application Number:</b>	10692354
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	8532
<b>Title of Invention:</b>	Process for rapid solution synthesis of peptides
<b>First Named Inventor/Applicant Name:</b>	Ivo Franci Eggen
<b>Customer Number:</b>	67706
<b>Filer:</b>	Susan Laurel Hess/Nancy Joyce Simmons
<b>Filer Authorized By:</b>	Susan Laurel Hess
<b>Attorney Docket Number:</b>	O 2001.662 US D1
<b>Receipt Date:</b>	05-DEC-2007
<b>Filing Date:</b>	22-OCT-2003
<b>Time Stamp:</b>	09:30:28
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /zip	Pages (if appl.)
1	Letter Express Abandonment of the application	662D1express.pdf	41545	no	1
			23d924140a108a056c4d6d9562a73de0 bc30855a		

### Warnings:

### Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>EXPRESS ABANDONMENT UNDER 37 CFR 1.138</b>  Fax directly to the Pre-Grant Publication Division at (703) 305-8568, or mail to Mail Stop Express Abandonment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	10/692,354
	Filing Date	October 22, 2003
	First Named Inventor	Ivo Franci Eggen
	Art Unit	1639
	Examiner Name	Jon D. Epperson
	Attorney Docket No.	2001.662USD1

Please check only one of boxes 1 or 2 below.

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**

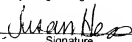
I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2. ☐ **Express Abandonment in Favor of a Continuing Application**

I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.**TO AVOID PUBLICATION, USE FORM PTO/SB/24A INSTEAD OF THIS FORM.****TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.**I am the: ☐ applicant.☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)☒ attorney or agent of record. Attorney or agent registration number is 37,350☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked).

Attorney or agent registration number is \_\_\_\_\_.

  
 \_\_\_\_\_  
 Signature

December 4, 2007

Date

Susan Hess

973.422.7474

Typed or printed name

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted